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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,298	02/25/2002	Kenneth Jacobs	GI 5358 CIP	7985

25291 7590 08/26/2003

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PATENT LAW GROUP
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MADISON, NJ 07940

EXAMINER

KAPUST, RACHEL B

ART UNIT	PAPER NUMBER
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1647

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/084,298

Applicant(s)

JACOBS ET AL.

Examiner

Rachel B. Kapust

Art Unit

1647

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-33 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-9, drawn to antibodies that immunologically react with an IL-22 protein and compositions comprising said antibodies, classified in class 530, subclass 387.1.
- II. Claims 10, 11, and 24, drawn to a method of treating septicemia by administering an effective amount of an agent that inhibits or modulates IL-22 activity, classified in class 424, subclass 158.1.
- III. Claims 10-12, 14-16, and 24, drawn to a method of treating autoimmune disorders by administering an effective amount of an agent that inhibits or modulates IL-22 activity, classified in class 424, subclass 158.1.
- IV. Claims 10, 11, 13, 24, 27, and 28, drawn to a method of treating inflammation by administering an effective amount of an agent that inhibits or modulates IL-22 activity, classified in class 424, subclass 158.1.
- V. Claims 10 and 24-26, drawn to a method of treating an infectious disease state by administering an effective amount of an agent that inhibits or modulates IL-22 activity, classified in class 424, subclass 158.1.
- VI. Claims 10, 24, 29, and 30, drawn to a method of treating cancer by administering an effective amount of an agent that modulates IL-22 activity, classified in class 424, subclass 158.1.
- VII. Claims 10, 24, and 31-33, drawn to a method of remodeling kidney tissue by administering an effective amount of an agent that modulates IL-22 activity, classified in class 424, subclass 158.1.
- VIII. Claims 10, 24, and 17-20, drawn to a method of treating symptoms associated with arthritis by administering a therapeutically effective amount of an IL-22 antibody, classified in class 424, subclass 130.1.

Art Unit: 1647

- IX. Claims 21-23, drawn to a method of enhancing a subject's immune response to an antigen by administering an immunogenic amount of the antigen and an immunogenicity-augmenting amount of IL-22, classified in class 424, subclass 184.1.

The inventions are distinct, each from the other because of the following reasons:

Group I is distinct from Groups II-VIII because the antibodies of Group I can be used materially different methods, such as in various purification (*e.g.*, obtaining IL-22 proteins) or diagnostic (*e.g.*, as a probe in immunoassays or immunochromatography) methods.

Group I is not related to Group IX. The antibodies of Group I cannot be used in the method of Group IX.

Group II is distinct from Groups III-VIII because the methods are drawn to different conditions and thus have different goals and different outcome measures.

Group II is not related to Group IX. The methods require different reagents and different method steps, and have different goals and different outcome measures.

Group III is distinct from Groups IV-VIII because the methods are drawn to different conditions and thus have different goals and different outcome measures.

Group III is not related to Group IX. The methods require different reagents and different method steps, and have different goals and different outcome measures.

Group IV is distinct from Groups V-VIII because the methods are drawn to different conditions and thus have different goals and different outcome measures.

Group IV is not related to Group IX. The methods require different reagents and different method steps, and have different goals and different outcome measures.

Group V is distinct from Groups VI-VIII because the methods are drawn to different conditions and thus have different goals and different outcome measures.

Group V is not related to Group IX. The methods require different reagents and different method steps, and have different goals and different outcome measures.

Group VI is distinct from Groups VII and VIII because the methods are drawn to different conditions and thus have different goals and different outcome measures.

Art Unit: 1647

Group VI is not related to Group IX. The methods require different reagents and different method steps, and have different goals and different outcome measures.

Group VII is distinct from Group VIII because the methods are drawn to different conditions and thus have different goals and different outcome measures.

Group VII is not related to Group IX. The methods require different reagents and different method steps, and have different goals and different outcome measures.

Group VIII is not related to Group IX. The methods require different reagents and different method steps, and have different goals and different outcome measures.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, and the searches required for the different groups are dissimilar from each other, restriction for examination purposes as indicated is proper.

Claims 10 and 24 link inventions II-VIII, and claim 11 links inventions II-IV. The restriction requirement among the linked inventions is subject to the nonallowance of the linking claim(s), claims 10, 11, and 24. Upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Art Unit: 1647

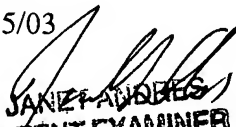
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachel B. Kapust whose telephone number is (703) 305-0634. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz can be reached on (703) 308-4623. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

RBK

8/25/03


JANET AUDETTE
PATENT EXAMINER